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C O N F I D E N T I A L SECTION 01 OF 02 BEIRUT 000674

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SUBJECT: MGLE01: ELECTORAL REFORM -- BLUE-RIBBON PANEL MAY
COME UP WITH MORE THAN ONE DRAFT LAW

REF: BEIRUT 632

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Classified By: Ambassador Jeffrey D. Feltman for reasons 1.4 (b) and (d)
) .

SUMMARY

11. (C) The national commission charged with reforming the electoral law has just slipped past another deadline for submitting a draft law to the Prime Minister. Commission members are still debating one key element of the law: electoral districts. Commission member Nawaf Salam told us that he was proposing a "two-tier" system -- one that combines proportional representation with races decided on a first-past-the-post basis -- as an alternative. Salam suggested that the commission break the current deadlock by submitting more than one draft law -- including his own -- to the Prime Minister, as long as this was not perceived as a "fiasco." He blamed the deadlock in part on political pressures exerted upon some commission members. End summary.

ANY DAY NOW...

12. (C) The February 28 deadline for the national commission charged with reforming the electoral law came and went last week. However, the commission has yet to submit a draft electoral law to the Prime Minister. Given that anything submitted last week would have been upstaged by the national dialogue process going on in Parliament (septels), this is not necessarily a bad thing. Of more concern is the fact that commissioners have yet to reach common ground over the thorny issue of electoral districts (reftel).

NO "PLAN B"...

13. (C) At his residence on March 3, Nawaf Salam told us that he had tried to break the deadlock with an alternative proposal. It was not a matter of "Plan A" versus "Plan B," he said, because the similarities between his plan and the other one -- which is currently being mulled over by other commission members, and exists in a number of variations -- were greater than the differences. Both provided for the same reforms, including the establishment of an independent electoral commission, lowering of the voting age to 18,

regulation of campaign finance and mass media, and a minimum quota for women on parliamentary candidate lists.

... BUT "PLAN A-2"

14. (C) For this reason, Salam insisted on calling his proposal "Plan A-2," an alternative to the other commission members' "Plan A-1." In their "Plan A-1," all elections are decided on the basis of proportional representation. There are a number of variations of "Plan A-1" relating to the size and number of electoral districts. Some members of the commission were arguing for nine districts, others for 13 or 14 districts. Salam threw up his hands theatrically, suggesting that he saw any further discussion about district size and number as a waste of time.

SALAM PULLS A RABBIT OUT OF HIS HAT

15. (C) "Plan A-2," the "rabbit" Salam described himself pulling out of his hat, presented a "two-tier" system as the alternative. Of the 128 seats in Parliament, races for half would be decided on a first-past-the post basis in relatively small districts (drawn along the lines of the "qada" administrative unit). Races for the other 64 seats would be decided on a proportional basis in relatively large districts (drawn along the lines of the "muhafazah" or governorate).

16. (C) Salam argued that this "two-tier" scheme was superior to anything else his fellow commissioners were considering. First, it offered a major concession to politicians and opinion leaders, particularly in the Christian community, who have been pressing commission members for smaller electoral districts. (Comment: This is on the theory, whether correct or not, that small districts make for more effective Christian representation in Parliament. End comment.)

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17. (C) At the same time, according to Salam, his "Plan A-2" would set a valuable precedent for elections conducted on the basis of the "muhafazah," a never-before-implemented provision of the 1989 Ta'ef Agreement. In the long run, it would support the development of genuine political parties and progress towards a non-confessional system of government. Salam also pointed out that variations of a two-tier combination of proportionality and first-past-the-post races already exist in a number of other countries, including Russia and Japan.

WILL SINIORA BE GIVEN A CHOICE?

18. (C) Salam claimed that commission chairman Fouad Boutros -- who has reportedly been under exceptional pressure from the Maronite Patriarch, among others -- was favorably inclined to his "Plan A-2." Salam, while confident that he could have mobilized a decisive two-thirds majority on the commission in favor of his plan, said he did not want to force a divisive vote on the commission, which has thus far been able to make decisions by consensus. Therefore, he was going to recommend that more than one proposal be submitted to the Prime Minister. Before he did so, however, he wanted to gauge the extent to which this outcome would be seen as a "fiasco."

POLITICAL PRESSURE MOUNTING

19. (C) Salam blamed the deadlock in part on political pressure, which sent some commission members scrambling to appease those pressuring them by, for example, drawing smaller districts onto the electoral map. It is not only Christian politicians who are bringing on the pressure. In a March 3 meeting, MP Wa'el Abou Faour -- a prominent member of Druze leader Walid Jumblatt's Progressive Socialist Party --

described meeting commission member Ziad Baroud a week earlier to discuss the districting issue in detail. Abu Faour said a proportional system was less than ideal, candidly noting that it would benefit enemies of Jumblatt, such as former MP Talal Arslan and "rogue Druze" former minister Wi'am Wahhab.

¶10. (C) A Syrian withdrawal from Lebanon made proportionality more acceptable, according to Abu Faour, who nonetheless objected to the commission's purported plan to divide the governorate of Mount Lebanon into two electoral districts. This, he argued, would result in two confessionally unbalanced districts: a predominantly Christian one, and a predominantly Muslim one. (Comment: Needless to say, it would thus be unhelpful to premier Druze leader Jumblatt. We know that Baroud favors a three-way division, although we cannot confirm that this is in response to lobbying from Abu Faour or anyone else. Salam said that Baroud, a longtime colleague, had made a mistake in unnecessarily exposing himself to pressure. End comment.)

¶11. (C) Not every politician is getting into the act. Salam noted that Prime Minister Siniora -- a fellow Sunni Muslim as well as a longtime friend and colleague -- has never so much as asked him how things were proceeding with the commission.

COMMENT

¶12. (C) Salam has almost literally written the book on electoral reform, so the challenge of explaining a "two-tier" electoral system, such as the one he is proposing, may sound less daunting to him than it does to others. In fact, making the public case for proportionality alone -- regardless of whether a first-past-the-post "tier" is added on -- will require a significant public education effort. As to the wisdom of submitting more than one draft law to the Prime Minister, we believe that the public would look more favorably on this than it would on a lowest-common-denominator law that avoids the districting issue altogether. For better or worse, the districting issue is a knot that the Lebanese public is looking to the commission to cut through.

FELTMAN